

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
V. A. SANDERS,)
Appellant,)
vs.)
SPOKANE COUNTY AIR POLLUTION)
CONTROL AUTHORITY,)
Respondent.)

PCHB No. 200

FINDINGS OF FACT,
CONCLUSION AND ORDER

An informal hearing on the appeal of V. A. Sanders to a Notice of Civil Penalty of \$50.00 for causing or allowing an outdoor fire came on before W. A. Gissberg, a member of the Board, on March 26, 1973 in Spokane, Washington.

Appellant appeared by and through his attorney, Gordon Cornelius and respondent appeared through Fred A. Shiosaki, its director.

On the basis of testimony heard and exhibits examined, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusion and Order which were submitted to the appellant and respondent on

1 June 12, 1973. No objections or exceptions to the Proposed Order having
2 been received, the Pollution Control Hearings Board makes and enters
3 the following

4 FINDINGS OF FACT

5 I.

6 Appellant, on April 18, 1972, ignited a fire on land owned by
7 another but adjacent to his property in Spokane County, Washington.
8 The fire was six to eight feet long and two to three feet high and was
9 composed of two to three pickup truck loads of gardening wastes
10 hauled by appellant from his garden to the site of the fire. Some of
11 the waste material was wet and, in order to ignite the fire and so that
12 it would burn cleanly, appellant used four or five boards, either
3 2" x 4" or 1" x 4" and seven or eight feet in length.

14 II.

15 Section 6.01 of respondent's Regulation I makes it unlawful, with
16 certain exceptions, to ignite or allow an open fire. One of the
17 exceptions is the burning of dry garden trimmings during a period of
18 time permitted by respondent. The fire occurred at a time permitted
19 by respondent, but was of materials (wet garden trimmings and lumber)
20 not permitted by respondent.

21 III.

22 Appellant had been specifically advised prior to the fire by
23 respondent that all he could lawfully burn was garden trimmings.

24 From the foregoing, the Board makes the following

25

26 FINDINGS OF FACT,
27 CONCLUSION AND ORDER

CONCLUSION OF LAW

Appellant was in violation of Section 6.01 of respondent's Regulation I.

From which follows this

ORDER AND DECISION

The appeal is denied and respondent's Notice of Civil Penalty is affirmed.

DONE at Olympia, Washington this 7th day of August, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

W. A. Gissberg
W. A. GISSBERG, Member

James T. Sheehy
JAMES T. SHEEHY, Member